



City of Austin

City Manager's Office

P. O. Box 1088, Austin, TX 78767
(512) 974-2200, Fax (512) 974-2833

Marc A. Ott, City Manager
Marc.Ott@ci.austin.tx.us

November 20, 2009

Shanetta Y. Cutlar
Chief, Special Litigation Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: City of Austin Response to Technical Assistance Letter of 12/23/08

Dear Ms. Cutlar:

The attached document is the City of Austin and the Austin Police Department's response to the technical assistance letter (TA) of December 23, 2008. As a City, we would like to acknowledge the considerable effort and continued commitment that the staff at the U.S. Department of Justice, Civil Rights Division, has extended in providing shared best practices for our police department and our community. We would also like to thank you for recognizing the police department's leadership and initiative to address issues even before this investigation began.

Since your visit, the Austin Police Department (APD) has made a significant amount of change both internally, and externally in the community. This change was based on the recommendations in the technical assistance letter combined with ongoing reorganization efforts that began in July 2007 when Chief Acevedo arrived in Austin. APD is a dynamic organization that will continue to change as it is constantly looking forward. The department has also made a clear commitment to be transparent to the community it serves. These principles of change and transparency are reflected in the attached supporting material. The responses included here are not all inclusive of the change experienced at APD over the last twenty-seven months; the focus is on the critical areas identified in the technical assistance letter.

Below APD has identified five main themes that encompass the ten specific recommendations in the original TA letter. Listed here are the major program and operational changes that are in place, currently being implemented, or are under development. This list is not as comprehensive as the one provided in the attachment, but it provides an overview of the ongoing cultural as well as structural change in the department.

I. Contemporary Use of Force Policies and Procedures

There is no greater statement a City or police department can make than the expectations it sets regarding use of force policies and procedures. Over the last two years, APD has revised

a number of policies and procedures related to legal standards, the use of force, and the reporting of the use of force. Below are examples of that change.

- All use of force cases are being tracked in the department's records management system instead of the previous paper documentation that was maintained in a separate system.
- The new Force Review Board process includes a post incident review of level 1 and level 2 use of force cases by the Chief of Staff's Office.
- APD has contracted with Lexipol to provide a policy management system that will insure that the department has updated, statutorily and constitutionally based use of force policies. This program will also disseminate and track the officers' review of policy and their acknowledgement of any legal updates and policy changes.

II. Training

The Training Division plays a key role in the implementation of policy as they provide guidance to officers on how to respond to resistance. The department is implementing a number of major changes from professional development to an increased commitment in providing resources for training "best practices". The department's commitment can be seen in the following examples:

- The City of Austin and its citizens have committed twenty million dollars in bond funding to re-build the Roy Butler Police Training Academy. The facility will have more classrooms, a larger driving course, and an upgraded shooting range. The City also provided space for a north training campus with classrooms for an additional 80 officers.
- The department is purchasing a live-fire, technology driven mobile shooting range to increase the quality and quantity of accessible firearms training. Made possible by a \$500,000 grant from the Texas Governors Office, this range will include custom tailored scenarios or platforms to drive training into the field beginning in early 2010.
- The department is purchasing a Learning Management System (LMS) to track individual training records as well as to support the administration of the training function.
- Academy staff will generate a course catalog, course schedules, and a professional training website to make training and course information more accessible.
- An e-tactics manual is being developed on the website so officers and supervisors can review tactics guidelines.
- All skills and tactics-based courses and re-certifications are currently under review and will be updated to include policy and legal issues in the same time as skills training.
- A new course on reasonable suspicion and probable cause stops is being developed. This course is in direct response to the DOJ recommendation to look at training with an eye to "decision point analysis" and the potential impact on outcomes. The purpose of this training is to provide a basic critical thinking model for officers to consider during their Approach, Communications, and Tactics (A.C.T.) to a potential encounter or use of force.
- The department has created and implemented a new "Leadership Command College" program to provide continuing consistent managerial training and executive development that is mandatory for all command staff (commanders, civilian managers, and lieutenants). The program is taught by both executive and command staff as well as professional subject matter experts. The course work is designed around APD specific skill sets to supplement the existing leadership program.

III. Supervisory Oversight

Changes to use of force/response to resistance (R2R) reviews and the review of Class B internal investigations have increased supervisor authority and officer accountability at APD. It has been a positive cultural change to shift the responsibility away from Internal Affairs to sergeants. The following are examples of the change:

- The R2R inquiries are done by supervisors and are tracked and reviewed during the bi-monthly CompStat meetings and in monthly Force Review Board. This process has provided more comprehensive and timely feedback to the supervisors and their chain of command.
- Now in its second year of implementation, the Class B field investigations conducted by supervisors have given sergeants the opportunity to handle officer misconduct and to hold officers accountable. An analysis of the first year's data shows that through the sergeant's leadership, the time to complete an investigation has been significantly reduced and the sergeants are holding officers more accountable. In 2009 the number of Class B complaints sustained by first line supervisors was 39.0%, a marked increase over the 25.7% sustained in 2008 when these complaints were handled by Internal Affairs. (see the attached supplemental information).
- The Training Division has supported this change by redesigning the three-week school for new sergeants. This school now includes a mentoring component where sergeant candidates spend a week in the field with experienced first line supervisors getting hands on experience with R2R reporting and Class B field investigations.
- The department's early warning system, called the Guidance Advisory Program (GAP), has been redesigned with a new set of triggers, thresholds, and a formal policy written to more clearly identify officers potentially at risk. The new process and policy also raises the review and acknowledgement of officers identified in the process to the rank of assistant chief for follow up.

IV. Transparent, Structured Complaint, Internal Affairs, and Discipline Processes in Partnership with the Office of the Police Monitor.

As described by Chief Acevedo, the Internal Affairs Unit is the gatekeeper for the integrity of any professional police department. No one area of the department is more responsible to the community than Internal Affairs. In the post incident review of the department's use of force, including deadly force, Internal Affairs is expected to investigate fully and objectively and present a comprehensive overview of the facts to the Chief of Police, the Office of the Police Monitor and the Citizens Review Panel, and the community through the Chief's Office.

Recognizing the importance of Internal Affairs, APD is in the process of re-staffing and reorganizing the unit; including its policies, procedures, training, direct oversight, and selection of personnel. The following are examples of these changes:

- APD will no longer assign detectives to Internal Affairs. Experienced and vetted sergeants will replace all current detectives thus ensuring that all future Internal Affairs

investigations are conducted by investigators who also possess supervisory experience and the requisite authority to move about the department.

- All Internal Affairs personnel will be required to successfully complete specialized training on administrative investigations within six months of their assignment to the unit. During the time between assignment to Internal Affairs and formal training, the sergeant will be teamed with an experienced mentor within the unit who will informally train them on APD's internal affairs processes and oversee their investigations.
- Newly assigned Internal Affairs personnel will not be assigned as lead investigators on any critical incident.
- All administrative investigations will be led by a supervisor or manager at least one rank above that of the highest ranking subject officer.
- Beginning immediately, selection of all personnel assigned to the Internal Affairs will be vetted through the entire chain of command and the Chief of Police will personally approve all appointments.

The Office of Police Monitor (OPM) has full access to IA investigations. The two share an internal database that holds information about cases, complainants, witnesses, officers and will allow the user to run reports. The OPM has also made changes to increase citizen access to the internal affairs process including:

- Posting printed and framed guidance for the complaint process in the public area of all police facilities. They are also developing postings and online accessibility in Spanish.
- Extending their office hours to accommodate complainants that have unconventional schedules.
- Conducts several outreach forums throughout the City of Austin.
- Employing a full-time Research Analyst who generates a semi-annual and an annual report with full access to the community.
- Once a complaint is classified, the OPM currently contacts the complainant in writing providing the name and contact information of the Internal Affairs investigator or chain of command supervisor who is assigned the complaint investigation. The OPM also notifies the Commander over Internal Affairs when this process takes place.
- At the conclusion of the investigation, the OPM notifies all relevant parties, including the complainant, of the final disposition. The OPM offers the complainant an opportunity to participate in a Police Monitor Conference. This affords the complainant a face-to-face dialogue with the OPM to review the investigative summary from Internal Affairs.

V. Community Outreach

The Austin Police Department is deeply committed to building stronger relationships with the citizens and visitors we serve. The department has a history of community outreach and we look forward to a future of strengthening current ties and building new ones. As you have noted, APD has made significant strides in the area of community outreach. Several recent accomplishments including the following:

- The Public Information Office (PIO) has been re-staffed and reorganized to promote an open partnership between the department's professional PIO staff, sworn personnel at all ranks as well as the media. All department personnel are now encouraged to engage the

media to keep the community informed about critical issues related to crime, quality of life issues, or accessibility to the department.

- The department has contracted with Citizen Observer, to provide community members with online access to crime information and current events in the department. This web-based application also allows community members to send in crime tips and assist the department in solving crimes. Lastly, Citizen Observer is used by all ranks up to and including the Chief of Police to get critical internal and external news out to the community in real time.
- Finally, we continue to engage the community in our ongoing efforts including the Office of Community Liaison, the District Representative program, the Chief's Forum, Commander's Forums, the newly developed training showcase called the Chief's Invitational Policing Seminar (CHIPS), the Blue Santa program, the PAL program, the Explorer program, and the Volunteers in Policing (VIP) Program.

In closing, we appreciate our partnership with the Department of Justice in the current review and look to its final resolution. Beyond the current review, the City of Austin and the Austin Police Department will remain committed to ensuring we are one of the safest major cities in the country. That commitment is conjoined with the mission of hiring, training, and leading professional officers who are dedicated to serving the Austin community. If we may provide any additional support material not included here your requests will be answered in a timely manner.



Marc Ott
City Manager



Art Acevedo
Chief of Police